

FILED BY _____ D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

Patricia C. Gould
CLERK, U.S. DISTRICT COURT
W.D. OF TN, JACKSON

JERRY CARROLL,)
vs.)
Plaintiff and Counter-Defendant,)
vs.)
KOHLER COMPANY)
vs.)
Defendant and Counter-Plaintiff.)
)

No. 1-05-1174-TAn

RULE 16(b) SCHEDULING ORDER

Pursuant to Rule 26(f) and Rule 16 (b) of the Federal Rules of Civil Procedure, the following dates are established as the final dates for:

INITIAL DISCLOSURES (Rule 26(a)(1)): October 18, 2005

JOINING PARTIES:

For Plaintiffs: **November 30, 2005**
For Defendants: **December 30, 2005**

AMENDING PLEADINGS:

For Plaintiffs: **December 30, 2005**
For Defendants: **January 30, 2006**

COMPLETING ALL DISCOVERY: May 31, 2006

(a) **REQUESTS FOR PRODUCTION, INTERROGATORIES AND REQUESTS FOR ADMISSIONS: May 31, 2006**

(b) **EXPERT DISCLOSURES (Rule 26(a)(2))**

- (i) For Plaintiffs: **March 31, 2006**
No later than 2 months before close of discovery
- (ii) For Defendants: **April 30, 2006**
No later than 1 month before close of discovery
- (iii) Supplementation under Rule 26(e):
10 Days after Defendant's disclosure

(c) **DEPOSITION OF EXPERTS:** **May 31, 2006**

FILING OF DISPOSITIVE MOTIONS: July 10, 2006

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

For Plaintiffs: **45 days before the trial date**
For Defendants: **30 days before the trial date**

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 3 days and is SET for **JURY TRIAL Monday, October 9, 2006 at 9:30 am.**

A joint pretrial order is due on **Friday, September 29, 2006**. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

A party is entitled to take the deposition of any person identified by any party as having discoverable knowledge even if the total number of depositions exceeds 10 per party. In addition, the deposition of the custodian of records of an identified medical expert witness may be taken by any party to obtain the necessary medical records even if the total number of depositions exceeds 10 per party.

Interrogatories, Request for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

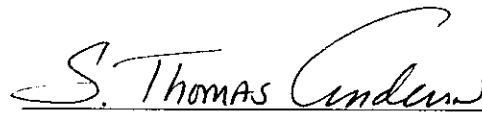
The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to a trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

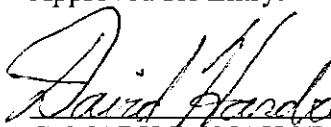
IT IS SO ORDERED.



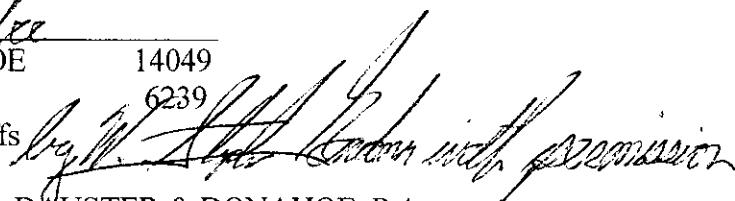
S. THOMAS ANDERSON
UNITED STATES
MAGISTRATE JUDGE

Date: October 03, 2005

Approved for Entry:



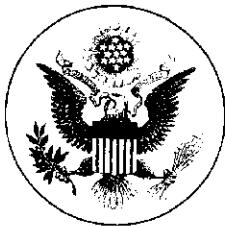
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Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 1:05-CV-01174 was distributed by fax, mail, or direct printing on October 5, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT